



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 13, 2018

BY ECF

The Honorable Loretta A. Preska
Senior United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Gary Tanner and Andrew Davenport,
S1 17 Cr. 61 (LAP)**

Dear Judge Preska:

The Government respectfully submits this letter pursuant to the Court's order, dated July 5, 2018, permitting the parties to propose questions in connection with the hearing to be held on July 18, 2018. The Government proposes that the Court ask the following questions of Tiffany Teams (Juror No. 8) at the hearing:

Proposed Questions Concerning Ms. Teams' Role as a Civil Litigant

1. When you first reported for jury service in this case, were you at that time a defendant in a lawsuit with the following title: *D.K., by her Guardian L.K., et al., v. Tiffany Teams, et al.*?
2. When you participated in jury selection in this case, did you recall that you were a defendant in that lawsuit?
3. When you were seated in the gallery – that is, in the back of the courtroom – before being called to join the panel of prospective jurors, I asked the following question:
 - a. “Other than you’ve already told me, have any of you, or your close friends or family members, been a party, appeared as a witness, or otherwise been involved in any trial or court proceeding, any investigation by a federal or state grand jury, or by a Congressional or state legislative committee, licensing authority, or governmental agency?” (Trial Tr. 74).

4. When you were called to join the panel of prospective jurors, do you recall that I asked if any of the questions I had asked applied to you?
5. And do you remember that you didn't mention the lawsuit at that time?
6. Why not?
7. In answering my question, did you deliberately lie or intentionally conceal your role as a defendant in that lawsuit?

Proposed Questions Concerning the Justice Center

1. Were you interviewed in 2015 by an investigator with an entity called the Justice Center?
2. When you participated in jury selection in this case, did you recall that you had been interviewed by an investigator with the Justice Center?
3. When you participated in jury selection in this case, did you believe the Justice Center was a governmental body or law enforcement agency?
 - a. [If yes]: At the time of jury selection, did you believe you were the subject of an investigation by the Justice Center?
4. When you were seated in the gallery before being called to join the panel of prospective jurors, I asked the following questions:
 - a. First, "Other than you've already told me, have any of you, or your close friends or family members, been charged with a crime or been the subject of an investigation or an accusation by any governmental body?" (Tr. 71).
 - b. Second, "Other than you've already told me, have any of you, or your close friends or family members, been questioned in any matter by the United States Department of Justice, the FBI, the District Attorney's office, the New York State or city police, or any other investigative or law enforcement agency?" (Tr. 73-74).
5. When you were called to join the panel of prospective jurors, do you recall that I asked if any of the questions I had asked applied to you?
6. And do you remember that you didn't mention the Justice Center or your 2015 interview at that time?
7. Why not?

8. In answering my questions, did you deliberately lie about or intentionally conceal your interactions with the Justice Center?

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: _____/s/
Robert Allen/Richard Cooper/Amanda Kramer
Assistant United States Attorneys
(212) 637-2216/2478/1027

cc: Counsel of Record (by ECF)